

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
EASTERN DIVISION**

**ROBERT McMICHAEL**

**PLAINTIFF**

**VS.**

**CIVIL ACTION NO.: 2:16CV148-KS-MTP**

**TRANSOCEAN OFFSHORE USA, INC.;  
TRANSOCEAN OFFSHORE  
DEEPWATER DRILLING, INC. AND  
TRANSOCEAN RIGP DCL, LLC.**

**DEFENDANT**

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**DECLARATION OF ROBERT McMICHAEL**

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I, Robert McMichael, declare the following in accordance with the requirements of 28 U.S.C. Section 1746.

1. I am over the age of twenty-one (21). I have personal knowledge of the facts set herein and I am competent to testify as to these facts.
2. My job as a "client" Toolpusher was to coordinate, not only the drilling operation, but also make sure there was no conflicts with the maintenance departments I had to cover all aspects of the job with our client, Chevron. I had to proofread the International Association of Drilling Contractors (IADC) Report and ensure it matched the report developed by the Chevron company man and make any changes if necessary. This was a 24 hour report that was done every night. The two (2) drillers would do the report after

**EXHIBIT "B"**

their 12 hour shifts and I had to make certain their reports matched Chevron's. The IADC Report had to be signed by the day and night Drillers, Senior Toolpusher, O.I.M. and Chevron Company man. The IADC report is a critical report in the offshore oil and gas industry. It is a legal document submitted to the Bureau of Safety and Environmental Enforcement (BSEE).

3. The "client" Toolpusher was also responsible for the Maintenance Morning Report which was also a 24 hour report from all maintenance departments. I had to make certain that each department had put in their necessary information before emailing this report to the O.I.M., Chevron and the office in Houston where Mr. Kennedy was located.
4. At the time of my termination, on April 25, 2015, the Clear Leader did not have four (4) Toolpushers, it had six (6). Two of us, Chris Munger and myself, worked nights, from 6:00 p.m. until 6:00 a.m. Munger was my counter-part when I was off. We were designated as "client" Toolpushers. Our job was to coordinate, not only the drilling operation, but all aspects of the job with our client, Chevron. We were responsible for the IADC Report and the Maintenance Morning Report on a daily basis. Yes, we had to use the Senior Toolpushers' office and computer to perform these tasks.
5. I had to be present at the actual drilling operation to oversee any maintenance and had to be present at the actual drilling site if there were problems with drilling the well. I had to make certain any needed parts were provided, keep an inventory of all such parts and oversee the actual maintenance work. I was never derelict or tardy in performing my responsibility to supervise maintenance work or the drilling operation. I was always able

to perform this duty and still carry out all of my other responsibilities as the "client" Toolpusher. Although I was not paid as a Senior Toolpusher, I believe my responsibilities as a "client" Toolpusher were greater than those of the four regular Toolpushers.

6. There were four other Toolpushers who worked directly with the drillers. They were Karl Schneider, Dwayne Latiolais, William Jerome Lepard and Bill Lee. They worked shifts from 12:00 a.m. to 12:00 p.m. and from 12:00 p.m. to 12:00 a.m. They would be directly responsible to oversee the actual work on the drill floor, deck and mud module. I had to be called if the drillers were having any problems and if they needed help.

7. I was the oldest Toolpusher on the rig:

Robert McMichael, DOB: 10-24-55

Chris Munger, DOB: 8-27-70 (almost 15 years younger)

Karl Schneider, DOB: 8-15-81 (almost 26 years younger)

William Jerome Lepard, DOB: 10-28-76 (21 years younger)

Billy Lee, DOB: 9-26-76 (just short of 21 years younger)

Dwayne Latiolais, DOB: 1-7-68 (12 years younger)

8. I have personal knowledge that at the time of my termination on April 25, 2015, Karl Schneider had been a Toolpusher for two (2) years or less. Karl Schneider was approximately twenty-six (26) years younger than me. I also know that Karl Schneider's performance appraisal at the time I was terminated was Fully Acceptable. He did not receive a higher rating than I received. I was the appraiser.

9. I know from personal knowledge that Chris Munger had been a Toolpusher for three (3) years or less when I was terminated. He is approximately fifteen (15) years younger than me, Dwayne Latiolais, approximately 12 years younger than me, had been a Toolpusher for approximately two (2) years when I was terminated. At the time I was terminated, William Jerome Lepard and Billy Lee had been promoted to Toolpusher for two (2) years or less. Mr. Lepard is twenty-one (21) years younger than me and Mr. Lee is just short of twenty-one (21) years younger than me.
10. I was never told or counseled that I was spending too much time in the office. In fact, I spent only the time needed to perform my job as the "client" Toolpusher in the office. In my opinion, this reason was made-up after the fact. There is nothing in my 2014 evaluation stating that I was spending too much time in the office. Neither the Senior Toolpusher, Gary Mosely, nor the O.I.M., Robert Blansett, ever mentioned anything about my spending too much time in the office, nor did Mr. Kennedy, the Rig Manager.
11. Ms. Lopez's testimony that I was ranked fourth out of four (4) Toolpushers makes no sense and is inconsistent with the facts. Mr. Kennedy should have ranked all six (6) Toolpushers. Mr. Kennedy's testimony is unclear as to how he ranked the Toolpushers, but clearly he did not rank four (4) Toolpushers. He gives no rational or coherent reason for ranking me lower than any of the other five (5) Toolpushers on the Clear Leader. If I was doing such a bad job, why did Chevron renew its contract with the Clear Leader.
12. Under the Performance-Ranking Potential scoring (or the High Grade Scoring Process), I received a 71%. There is NO record with Transocean showing I ever had anything but

a 71% score! I was replaced by Jody Eckert, a Toolpusher from the Invictus, whose score was 59%! Mr. Eckert's date of birth is 12-9-65, 10 years, one (1) month and fifteen (15) days younger than me. I was replaced by a younger, less qualified individual.

13. In my deposition, it did not occur to me to mention that on at least two occasions Robert Owen, an O.I.M., on the Clear Leader said to me that because I was over 59 ½ years of age, I had nothing to worry about. I could receive my pension without receiving a financial penalty from the IRS. This was certainly a coded way of referencing my age. I was more easily disposable than a younger employee such as Mr. Eckert who would be penalized if he tried to use his 401(k) or pension money. This conversation occurred in July 2014. Transocean had sent out an email that our pension plan would be frozen on December 31, 2014.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this the 7 day of August, A.D., 2018.

  
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ROBERT McMICHAEL